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Patent
PD-201030A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:

Date: December 23, 2004

Erin H. Sibley

Serial No. 09/844,920

Group Art Unit: 2685

Filed: April 26, 2001

Examiner: Nguyen, Thuan T.

For: COMMUNICATION SYSTEM FOR REBROADCASTING
ELECTRONIC CONTENT WITHIN LOCAL AREA
NETWORK TRACKING

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Date: December 23, 2004

Name: Georgann S. Grunebach, Reg. No. 33,179

BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following Appeal Brief is submitted pursuant to the Notice of Appeal filed on October 28, 2004 for the above-identified application.

I. Real Party in Interest

The real party in interest in this matter is The DirecTV Group, Inc of El Segundo, California which is 34 percent owned by Fox Entertainment Group, which is approximately 82 percent owned by The News Corporation, Limited.

II. Related Appeals and Interferences

There are no other known appeals or interferences which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of the Claims

Claims 1-19 stand rejected in the Final Office Action.

IV. Status of Amendments Filed After Final

There have been no Amendments filed after the final rejection.

V. Summary of the Invention

The present application is generally directed to a system of distributing electronic content. Appellant will discuss the claims in the order of the office action. Namely, Claims 13 and 15 will be discussed followed by the remainder of the claims.

Claim 13 is illustrated in Figures 1 and 2 and is described in paragraphs 15 and 16. Claim 13 recites the steps of coupling television electronic content to a redistribution device such as set top box 16; over-the-air broadcasting the television electronic content from the redistribution device; and receiving the television electronic content through a user appliance 18.

Claim 15 recites that the over-the-air broadcasting system forms a local area network with the user appliance. A local area network interface 84 is illustrated in Figure 2.

Claim 1 is directed to a system of distributing electronic content that includes a network operations center 12, a communication backbone 14 that is coupled to the network operations center 12, and a base station 16. The base station receives the

broadcast signal from the backbone 14 and forms a wireless local area network. The base station 16 rebroadcasts a portion of the broadcast signal as a rebroadcast signal using the wireless local area network. A user appliance 18 is positioned within the wireless local area network and receives the rebroadcast signal. The elements of claim 1 are illustrated in Figure 1 and described in paragraphs 15 and 16 generally. More detailed discussion of the devices are set forth in paragraphs 17-20.

Claim 2 sets forth that a television is coupled to the base station and receives a portion of the rebroadcast signal.

Claim 3 recites that the base station forms the rebroadcast signal from digital electronic content.

Claim 4 recites that the electronic content comprises digital audio signals.

Claim 5 recites that the electronic content comprises video.

Claim 6 recites that backbone 14 comprises a high altitude device, cable or fiber optic. High altitude distribution device is set forth as 14A, television cable as 14B, and fiber optics as 14C in Figure 1.

Claim 7 recites that the high altitude device comprises a satellite 14A. Claim 8 recites that the high altitude device comprises a stratospheric platform which is also generally set forth as reference numeral 14A.

Claim 9 recites that the base station comprises an integrated receiver decoder.

Claim 10 recites that the rebroadcast signal is a compressed signal. Compression software is set forth in paragraph 19.

Claim 11 recites that the backbone comprises a cable network.

Claim 12 recites that the backbone comprises a fiber optic network.

Claim 14 recites that the over-the-air broadcasting comprises over-the-air broadcasting from the base station.

Claim 16 is an independent claim and is directed to broadcasting a television signal as an electronic content, receiving the electronic content, digitally compressing the

electronic content into a compressed signal and over-the-air rebroadcasting the compressed signal using a wireless local area network. Compression software is set forth in paragraph 19 and is further set forth as reference numeral 80 in Figure 2.

Claim 17 recites the step of receiving the compressed signal at a user appliance 18.

Claim 18 recites that the step of receiving comprises the step of digitally decompressing the digital video stream and displaying the video stream.

The operation of the device is generally set forth in paragraphs 26 and 27.

Claim 19 is an independent claim directed to a base station that includes a receiving antenna 40 that receives electronic content, compression software 80 for compressing the electronic content into a compressed signal, a transmitting area network antenna 62, and a wireless local network interface 84 coupled to the transmitting area network antenna and wirelessly broadcasting the compressed signal through the transmitting area network as a compressed wireless rebroadcast signal.

VI. Grounds of Rejection to be Reviewed on Appeal

The following issues are presented in this appeal:

Whether Claims 13 and 15 are anticipated under 35 U.S.C. §102(b) over Fuller.

Whether Claims 1-12, 14, and 16-18 are obvious under 35 U.S.C. §103(a) as over *Fuller* in view of *Dillon* (6,430,233)

Whether Claim 19 is obvious under 35 U.S.C. §103(a) as over *Fuller* in view of *Dillon* (6,430,233) and *Hylton* (5,708,961)

VII. Argument

The Rejection of Claims 13 and 15 under 35 U.S.C. §102(b)

Claim 13

Claim 13 recites the step of coupling television electronic content to a redistribution device; over-the-air broadcasting the television electronic content from the

redistribution device; and receiving the television electronic content through a user appliance.

The *Fuller* reference teaches a video distribution system suitable for use in a hotel. The *Fuller* system receives information from a satellite 106 at downlink facility 108. The hospitality system 108 distributes the system to various rooms within the hotel. The Examiner points to the satellite links as a mean for over-the-air coupling or broadcasting to redistribution device 108, 110 and 112. The *Fuller* reference does not teach or suggest the use of over-the-air broadcasting using the network 204. The network 204 is not taught or suggested to be a wireless system. Applicant believes that the system is a wired system that uses microwaves or RF that are broadcast through the wires or optical fibers that exist within a hotel. This is set forth in lines 1-5 of Col. 9. The Board should note that cable television systems typically use a high frequency to transmit the signals within its wires. This is one reason cable television uses coaxial shielded cables. The discussion in Col. 9, lines 54- Col. 10, line 8 is particularly enlightening. This paragraph specifically describes branches and trunks of the system. Thus, no over-the-air broadcasting from the redistribution device is taught or suggested in the *Fuller* reference.

Claim 15

Claim 15 specifically recites that the over-the-air broadcasting forms a local area network with the user appliance. Appellant respectfully submits that the *Fuller* reference does not set forth a local area network, particularly in combination with the recitations of Claim 13. Therefore, Claim 15 is believed to be allowable for the same reasons set forth above.

The Rejection of Claims 1-12, 14, and 16-18 under 35 U.S.C. §103(a) as over *Fuller* in view of *Dillon* (6,430,233)

Claim 1

With respect to Claim 1, the system includes a network operations center, a communication backbone coupled to the network operations center, a base station receiving the broadcast signal from the backbone and forming a wireless local area network. The base station over-the-air rebroadcasts at least a portion of the broadcast signal using the wireless local area network. The user appliance is positioned within the wireless local area network and receives the rebroadcast signal. As mentioned above, the *Fuller* reference does not form a wireless local area network and does not rebroadcast the signal using the local wireless area network.

The Examiner acknowledges that *Fuller* does not address using a wireless local area network. The Examiner points to Fig. 1, Col. 6, line 50 to Col. 7, line 20, Fig. 9, and Col. 8, lines 44-67, to illustrate a wireless local area network or wireless LAN. Applicant has reviewed *Dillon* Col. 6, line 52, Col. 7, line 20 and can find no teaching or suggestion of wireless rebroadcasting over a local area network. Further, Appellant has also reviewed Col. 8, lines 44-67. Although line 63 teaches a wireless local area network, the wireless local area network refers to satellite *data* receiver 150. As stated in the summary of the *Fuller* reference in Col. 5, lines 37-45, the *Dillon* reference permits the user of a conventional satellite television system to receive *data* services other than televised signals, without upgrading their outdoor unit or requiring an installer to be let into the consumer's home. Thus, the *Dillon* reference is directed to non-television signals. This is explained at the top of Col. 7.

Appellant would also like to point out that the *Dillon* reference is also not available due to a common obligation to assign under §103(c). The present application at the time of filing was assigned to Hughes Electronics Corporation. The *Dillon* reference is also assigned to Hughes Electronics Corporation. The *Dillon* reference is only

available as a §102(e) type reference since it issued after the present application was filed. The *Dillon* reference was issued August 6, 2002, whereas the present application was filed April 26, 2001, which is before the August 6, 2002 date. Thus, it appears that each of the claims 1-12, 14, and 16-18 are now allowable under 35 U.S.C. §103(c). Appellant therefore respectfully requests the Board to reverse the Examiner's position with respect to this rejection as well.

The Rejection of Claim 19 under 35 U.S.C. §103(a) as over *Fuller* in view of *Dillon* (6,430,233) and *Hylton* (5,708,961)

Claim 19

Claim 19 also uses the *Dillon* reference. Appellant therefore respectfully requests the Board to reconsider the rejection with respect to the *Dillon* reference as well.

The Examiner states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Fuller's* technique of providing a local area network for users to communicate to each other in a small local network with *Dillon's* teaching technique of upgrading to a wireless local area network with the network interfaces as addressed in order to expand the capability of a broadcast system in redistributing the broadcast signals or digital programming services to other networks such as a wireless LAN comprising wireless terminals or wireless devices as preferred. Applicant disagrees. The *Fuller* reference is directed to using the existing communication system of a hotel as described above. No teaching or suggestion is provided in the *Fuller* reference for providing a stand alone system such as that which would be provided by a wireless LAN. The *Dillon* reference is not available as a reference. The *Hylton* reference fails to teach or suggest the elements of *Fuller* and the deficiencies of the *Fuller* reference described above. In fact, the *Dillon* reference specifically excludes television data from its description. Therefore, the Examiner's

reasoning is missing elements and Appellant respectfully requests the Board to reverse the Examiner's position with respect to Claim 19 as well.

VII. Appendix

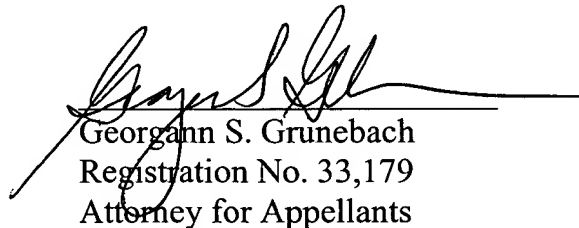
A copy of each of the claims involved in this appeal, namely Claims 1-19.

VIII. Conclusion

For the foregoing reasons, Appellant respectfully requests that the Board direct the Examiner in charge of this examination to withdraw the rejections.

Please charge any fees required in the filing of this appeal to Deposit Account No. 50-0383.

Respectfully submitted,



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Date: December 23, 2004

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APPENDIX A

1. A system of distributing electronic content comprising:
 - a network operations center generating a broadcast signal having digital electronic content;
 - a communication backbone coupled to said network operations center;
 - a base station receiving said broadcast signal from said backbone and forming a wireless local area network, said base station over-the-air rebroadcasting at least a portion of said broadcast signal as a rebroadcast signal using said wireless local area network; and
 - a user appliance positioned with said wireless local area network and receiving said rebroadcast signal.
2. A system as recited in claim 1 further comprising a television coupled to said base station, said television receiving at least a portion of said rebroadcast television signal.
3. A system as recited in claim 1 wherein said base station forms said rebroadcast signal from said digital electronic content.
4. A system as recited in claim 1 wherein said electronic content comprises digital audio signals.
5. A system as recited in claim 1 wherein said electronic content comprises video.
6. A system as recited in claim 1 wherein said backbone comprises a high altitude device, cable or fiber optic cable.
7. A system as recited in claim 6 wherein said high altitude device comprises a satellite.
8. A system as recited in claim 6 wherein said high altitude device comprises a stratospheric platform.

9. A system as recited in claim 1 wherein said base station comprises an integrated receiver decoder.

10. A system as recited in claim 1 wherein said rebroadcast signal is a compressed signal.

11. A system as recited in claim 1 wherein said backbone comprises a cable network.

12. A system as recited in claim 1 wherein said backbone comprises a fiber optic network.

13. A method of distributing electronic content comprising the steps of:
coupling electronic content to a redistribution device;
receiving the electronic content from the redistribution device;
over-the-air broadcasting at least a portion of the electronic content from the redistribution device; and
receiving the over-the-air electronic content through a user appliance.

14. A method as recited in claim 13 wherein the step of over-the-air broadcasting comprises over-the-air broadcasting from a base station.

15. A method as recited in claim 13 wherein the step of over-the-air broadcasting comprises forming a local area network with the user appliance.

16. A method of distributing electronic content comprising the steps of:
broadcasting a television signal as electronic content;
receiving the electronic content;
digitally compressing the electronic content into a compressed signal; and
over-the-air rebroadcasting the compressed signal using a wireless local area network.

17. A method as recited in claim 16 further comprising the steps of receiving the compressed signal at a user appliance.

18. A method as recited in claim 16 wherein the step of receiving comprises the steps of digitally decompressing the digital video stream, and displaying the video stream.

19. A base station comprising:

a receiving antenna for receiving electronic content;

compression software for compressing the electronic content into a compressed signal;

a transmitting area network antenna; and

a wireless local area network interface coupled to the transmitting area network antenna and wirelessly broadcasting the compressed signal through the transmitting area network antenna as a compressed wireless rebroadcast signal.